

CLARKE COUNTY BOARD OF SUPERVISORS

January 20, 2004Regular Meeting9:00 a.m.

Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, January 20, 2004.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, Supervisor Dunning, and Supervisor Weiss

Also Present

Jeff Lineberry, Bob Childress, Ricky Pope, Gem Bingol, George Ohrstrom, Vidi Lloyd, Ed Breslauer, John McCuan, David Ash, Tom Judge, Charles Johnston, Jerry Herrmann, Val Van Meter and other citizens.

Call To Order

Chairman Staelin called the meeting to order at 9:04 a.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Adoption of Agenda:

Add to Projects: Follow-up Double Tollgate Projects – David Ash

Add to Miscellaneous:
Audit Review – Robert Huff of Robinson, Farmer, Cox
Legislative Update – John R. Staelin

Supervisor Byrd moved to adopt the agenda as modified. The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Approval of Meeting Minutes:

Regular Meeting December 16, 2003

Supervisor Dunning requested the following modifications:
Page 837 & Page 838: Change Dunning from Absent to Aye and Weiss from Aye to Absent under Adoption of Agenda, Approval of Meeting Minutes and Consent Agenda

Vice Chairman Hobert requested on page 843 Wade Moorefield, Jr. be changed to Shannon Dulaney.

Public Meeting December 16, 2003

Supervisor Dunning requested that his name be removed from Present to Absent.

Annual Organizational Meeting January 12, 2004

Vice Chairman Hobert moved to approve the minutes for December 16, 2003 as modified and to approve the minutes of the Annual Organization Meeting as written.

The motion carried by the following vote:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Consent Agenda

No items were heard.

Citizen Comment Period

John McCuan, Boyce: Spoke in support of passage of the Joint Resolution on School Construction. He opined that when he pays taxes he buys civilization and this will provide an opportunity to do something for the majority of the children in the County.

Mary Brune, Berryville: Spoke in support of passage of the Joint Resolution on School Construction noting poor conditions at the Boyce Elementary and Berryville Primary schools.

Jerry Boyles, Boyce: Spoke in support of passage of the Joint Resolution on School Construction. He congratulated Barbara Byrd on a poll she had conducted in her voting district and expressed his appreciation. He opined that he still was not sure that he understood all the facts and the numbers cited in the press from the poll do not add up properly, which has not helped the public understand.

Lisa Fisher, Berryville: Ms. Fisher stated that she attended the January 14 public meeting. She said that she had been impressed with the tone at the beginning; but once the public comment portion started, she noted that many missed the point believing that the resolution meant a new high school. She stated that she believes spending will reach 9% and the Board of Supervisors needs to tell citizens what will happen if this occurs. She opined that the School Board does not look at the financing in the same way as the Board of Supervisors.

Chairman Staelin informed Ms. Fisher and those present that a presentation of the financial model upon which the figures are based would be conducted at 1:00 p.m. today in the Board of Supervisors Meeting Room and again at 7:30 p.m. at John H. Enders Social Hall.

Deneva Levy, Berryville: Ms. Levi identified herself as a member of the PTO at D.G. Cooley Elementary School. She urged the Board to find a solution to the resolution opining if this could not be done it be taken to referendum. She urged the Board to persevere.

Steve Shendow, Berryville: Spoke in support of passage of the Joint Resolution on School Construction. He noted that most agreed there was an issue with space/capacity and that taxes need to be raised to fund the construction. He opined that not everyone agreed on what to do about resolving the capacity issues. He put forth several suggestions for consideration of the Board. A copy of Mr. Shendow's presentation is contained in the January 2004 Board of Supervisors material.

Supervisor Dunning stated that Mr. Shendow's presentation was well thought out.

Michael Flagg, : Mr. Flagg thanked the Board of Supervisors for their due diligence in looking after the tax payer's money. He stated that taxpayers do have a base line. He opined that he

did not like the attitude of the School Board toward the Board of Supervisors or the citizens. He suggested a special tax assessment to pay for the school. He opined that the School Board is not working in the best interest of the taxpayer nor have they provided supporting documentation as to what they were going to do with the money.

Virginia Department Of Transportation

Jeff Lineberry and Bob Childress appeared before the Board of Supervisors to provide the monthly update. Ricky Pope also accompanied Mr. Lineberry and Mr. Childress.

Jack Ender's Boulevard

Jeff Lineberry queried the Board regarding the proposed Jack Ender's Boulevard Project and the resolution.

Supervisor Weiss stated that Robert Tomblin was still dissatisfied with the project and he had asked him to continue his efforts with VDOT where possible. Mr. Childress stated that he had spoken to Mr. Tomblin and was aware that there were still issues. He noted that the project has been tweaked to meet concerns. Some of the changes made for the Tomblin property include: adjusting the turn from the preferred 70- to 75-foot radius to 45- to 50-foot radius; extension of curb and guttering the on Tomblin's property; addition of storm sewers to address drainage issues on the Tomblin property.

Mr. Childress stated that a third entrance requested by Mr. Tomblin cannot be done. He opined that VDOT has compromised all they can at this point and anything more would negatively impact safety.

Supervisor Dunning discussed the truck traffic in this area urging VDOT to maximize the turn lane to improve the flow of truck traffic. Mr. Childress stated that they would add striping and cross bars to give trucks more guidance as they swing the turn.

Supervisor Byrd queried about the removal of the curbing between the Hardesty and Tomblin property. Supervisor Weiss stated that this issue has not been resolved between the parties.

Chairman Staelin noted that there is a great deal of compromise required for individual property owners and not all will be satisfied. Vice Chairman Hobert stated that VDOT has been diligent in working for a resolution for this project.

Vice Chairman Hobert moved to approve the following Resolution for Project No. 0700-021-115,M501.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Nay
Supervisor Weiss	-	Aye

RESOLUTION

WHEREAS, the Clarke County Board of Supervisors added Project No. 0700-021-115,M501, the improvement of Jack Enders Boulevard from Route 7 Business to 0.15 mile south of Route 7 Business, to the County's Secondary System Six Year Construction Program with the 2002 update; and

WHEREAS, The Virginia Department of Transportation conducted a Public Hearing on September 10, 2003 from 4:00 to 7:00 p.m. at the Berryville Town Council Chambers for the purpose of obtaining feedback on this project; and

WHEREAS, it appears a majority of the citizens who provided feedback are in favor of this project; and

WHEREAS, it appears that the Virginia Department of Transportation has made every attempt possible to address issues that were raised during the Public Hearing process without adversely impacting adjacent property owners and/or adding additional significant costs to the project; and

WHEREAS, it appears several citizens, as well as the Town of Berryville suggested the southern project limits be extended to include curb and gutter and sidewalk on the east side of Jack Enders Boulevard to the intersection of Blue Ridge Street, for purpose being to improve drainage and enhance pedestrian safety in this residential neighborhood; and

NOW, THEREFORE LET IT BE RESOLVED, that the Board of Supervisors of Clarke County fully supports and approves the project # 0700-021-115,M501 design as presented at the aforesaid Public Hearing; and.

BE IT FURTHER RESOLVED, that the Board of Supervisors supports and approves the aforesaid extension of curb and gutter and sidewalk on the east side of Jack Enders Boulevard to the intersection of Blue Ridge Street; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted this 20th day of January 2004.

Copy Teste:

John R. Staelin, Chairman
Clarke County Board of Supervisors

Truck Restriction Study – Town of Berryville

VDOT is in the study phase and will provide advance notice of the Public Hearing once the study is complete.

Traffic Signals Battlefield Estates and Route 340 and Route 7 Interchange

Mr. Lineberry stated that Battlefield Estates by the Food Lion and by both ramps on the Route 340 and Route 7 interchange meet the criteria for the installation of traffic signals and construction would start in the fall.

Traffic Signal Route 340 Town of Boyce

Jeff Lineberry stated that a study request has been initiated for a traffic signal in Boyce on Route 340; and if it meets the criteria, one will be installed. Supervisor Dunning expressed his desire for this to be studied. Mr. Lineberry stated that a turn lane might also be needed at this intersection, which will also be studied.

Revenue Sharing

Mr. Lineberry stated that VDOT had sent a letter advising of the Revenue Sharing Program and the Board has until March to make requests.

Gun Barrel Lane

Supervisor Dunning queried the status of the removal of the island at the end of Gun Barrel Lane. Mr. Childress stated that Ricky Pope has scheduled the removal of the island during the winter months this year and will do as time allows. Mr. Dunning also requested the speed limit be lowered on this road.

Speed Limit Studies

Mr. Lineberry stated that the traffic engineers have completed their studies on the first seven roads requested by the Board. They will conduct a final review of the results before forwarding them to the Board.

Road Striping

Supervisor Dunning requested striping on Gun Barrel Road, Ginns Road and Salem Church Road. He further requested that the speed on Salem Church Road be reduced to 45 MPH near the dump.

Supervisor Byrd requested that a line be added to Westwood Road on the hill where there is no site distance. Mr. Childress stated that it would have to wait until spring.

Supervisor Byrd requested that studies be performed on Withers LaRue Road by the West Virginia line and chevrons be added.

Allen Road

Supervisor Byrd requested that the speed limit on Allen Road, which is gravel, be reduced. Chairman Staelin stated that Clay Athey would be introducing legislature on this issue. Supervisor Byrd also put forth that scraping of the road appears to make it wider, which has resulted in increased speeds. She commended VDOT for doing a good job of taking care of this road. She informed the Board that there would be another meeting of the neighbors on this road this spring.

USGS Quarterly Update

David Nelms, USGS Project Chief, appeared before the Board to provide the quarterly update. Mr. Nelms provided a project summary including goals and objectives as requested by the Board. These objectives include designing and implementing a long-term network, monitoring spring discharge, setting the capture area for springs, and the setting of a water budget after determining resources availability.

Mr. Nelms stated that the County's GIS mapping was very good. He stated that Gordon Russell, IT and GIS Department Head, has given them photography during the dry and wet periods, which has provided a good comparison. He stated this has aided in documenting the recovery from the drought. He stated that every ten-years there will be a drought and every thirty years there will be a drought of some magnitude. He informed the Board that most water recharge occurs during the winter months when crops and plants require less.

Mr. Nelms opined that the Carter Hall Spring was the largest spring in the County. He further explained that young water is 50 or fewer years old. Old water is classified as 50 or more years old. They have means to determine the age of the water and recommend protecting the young mix going in. He informed the Board that water temperature indicates seasonality and fluctuates with changes. Further, the warmer the water the deeper it is in the ground.

Public Hearing - Septic Ordinance Text Amendment – TA-03-13

The Clarke County Board of Supervisors will consider the amendment of the County Septic Ordinance, Section 143-7 Definitions and Section 143-11 Appeals & Variances so as to alter the definition of a Spring and restructure the appeals board and variance procedure. TA-03-13 (AT)

Chuck Johnston and Alison Teetor, Natural Resources Planner, provided an overview of the proposed text amendment. Ms. Teetor the text had been amended as requested by Chairman Staelin requiring the approval of the entire Board of Septic and Well Appeals in emergency

circumstances. She stated that a member of the Health Department would continue to act on the Board until a member of the public could be appointed.

Ms. Teetor stated that this ordinance is used for well and septic, blasting, as well as setbacks. For consistency, there will be only one definition. She opined that the determination of a spring as opposed to a seep was somewhat subjective. The groundwater study being conducted by USGS will map springs in the County.

Ms. Teetor stated that she had sent written notice of the requested change to area soil scientist to solicit input. She informed the Board that she has received comment from these scientists.

At 10:20 a.m., Chairman Staelin opened the public comment portion of the public hearing.

Frank Lee, Berryville: Mr. Lee appeared before the Board stating that he thought that they would only be setting the matter for public hearing today. He requested the Board of Supervisors postpone action on this item so that those contacted by Ms. Teetor last week might have an opportunity to speak. He put forth that the State's ordinance was not as strict. He opined that the County needs to establish direct criteria and clearly define spring. He noted that human consumption is the only criteria used by the State and Clarke County lists five criteria. He opined that he believes the ordinance has looked at all the important criteria but it needs additional review as it is too subjective. He noted that a septic field if properly sited and constructed would have no effect on ground water. He noted that polluting ground water or sending pollutants downstream was always a concern. Mr. Lee further noted that wetlands are never acceptable for septic drain fields.

David Nelms, USGS: Stated that the difference between a seep and a spring may only be a matter of a few inches of soil. He stated that he is currently measuring over twenty springs in the County, which are set and established.

At 10:43, there being no other persons present desiring to address the Board on this matter, the public comment portion of the public hearing was closed.

Supervisor Dunning moved to postpone the matter for additional review during the February 17, 2004 meeting of the Board of Supervisors.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Chairman Staelin requested that Alison Teetor send a letter to the same soil scientists and advise them of the extension and the date upon which matter will be heard.

Clarke County Animal Shelter Appropriation Request

FY 2004 budget be amended to increase expenditure by \$200,000, for the purpose of granting to the Clarke County Humane Foundation funds for the construction of an animal shelter pursuant to Virginia Code 3.1-796.96, and subject to terms of a contractual agreement for the use of these funds.

David Ash, County Administrator reviewed the request and provided background information on the animal shelter. He stated that the original cost range to upgrade the County's shelter was \$150,000 to \$200,000, which still would not have meet State standards nor allow for any expansion.

Supervisor Dunning informed the Board that he was involved with the construction of the current shelter. He stated that there are numerous State rules that regulate these shelters.

Vice Chairman Hobert reminded the Board that they had stated they would not contribute to this project. Chairman Staelin said that it was his belief that the Board of Supervisors had agreed to do no more than it would have cost to upgrade the current facility. Supervisor Byrd stated that they had explored the option of contracting services with another county; however, it would have cost more and provided reduced services.

There was additional discussion regarding the plans, expansion of the plans, and whether furniture was included in the total amount. Supervisor Byrd stated that the amount did include furnishing. Mrs. Byrd stated that an addition was included because they wanted to allow for growth. The addition will be a shell that will allow for expansion and the plumbing and wiring will be ready when needed. She noted that the site was almost finished but the pad is deteriorating and work needs to proceed. The well is ready and waiting for the sewer line. She reminded the Board that the State has not fined the County for its out-of-compliance Shelter because of the efforts of the Humane Foundation to raise the funds for a new structure.

At 11:02, Chairman Staelin opened the public comment portion of the public hearing.

Beverly Byrd, Berryville: Mr. Byrd asked who would pay for the running of the animal shelter and who he would call if he were disturbed by barking dogs. He expressed concern for the future and taxes. He queried if the shelter would be held to the 5% spending cap.

David Ash stated that there were two full-time employees; should the workload increase, they will have to consider hiring additional personnel. He stated that the shelter is included in the 5% spending cap. Further, it was never stated that the new facility would cost less to operate.

George Ohrstrom, Berryville: Mr. Ohrstrom stated that part of the cost savings was that no fines have been imposed nor will they be a continued threat. He expressed his understanding of Mr. Byrd's concerns regarding the noise but reminded the Board that the facility was enclosed.

Leslie McClean, Treasurer, Clarke County Humane Foundation: Ms. McClean stated that public response was overwhelming. In just the last few weeks, the Foundation has received \$50,000 in donations. She said that she wished to ally Mr. Byrd's fears restating that the facility was totally enclosed. She further stated that she lives close to the Blue Ridge Hunt Club kennel and she cannot hear the dogs other than when they are out hunting and expressed her hope that Mr. Byrd would find the same true for him.

At 11:10 a.m., Chairman Staelin closed the public comment portion of the public hearing.

David Weiss requested that volunteers be used whenever possible noting budget constraints. Mr. Ohrstrom stated that is this an ongoing process and they plan to continue fundraising efforts, as well as endowments for the animal shelter.

Supervisor Dunning stated that the new shelter would be on public sewer but have private water. Vidi Lloyd queried what alternatives the County had to which Supervisor Dunning responded none. Chairman Staelin put forth that in discussions with Frederick County regarding shared services, the County would have been required to contribute to operating expense; and with the SPCA, the fees would have been higher noting a \$35-per-day fee for cats.

Chairman Staelin stated that the amount the Foundation was requesting was minimal compared to the amount they have raised or what it would have cost the County to build. He noted that the Humane Foundation had kept the Board updated and provided them plans for review.

Supervisor Dunning moved that FY 2004 budget be amended to increase expenditure by \$200,000, for the purpose of granting to the Clarke County Humane Foundation funds for the construction of an animal shelter pursuant to Virginia Code 3.1-796.96, and subject to terms of a contractual agreement for the use of these funds.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Abstain
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Supervisor Byrd, as a member of the Clarke County Humane Foundation, abstained from the vote on this matter.

Set Special Use Permit SUP-03-06

Della Bogaty (Veramar Winery) requests the approval of a Special Use and Site Plan for an eight bedroom country inn and winery located at 901 Quarry Road, Tax Map Parcel 25-((A))-1B, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). SUP-03-06

Chuck Johnston appeared before the Board to provide an overview of the requested special use permit. Mr. Johnston stated that the Bogaty's had been present earlier; however, due to the lengthy discussions, they were unable to be present for the afternoon session. He stated that there have been no comments from neighbors.

Chairman Staelin and Vice Chairman Hobert raised concerns regarding the dwelling unit rights [DUR]. While DUR's are not required for a country inn, the building was of a size and design that allowed it to be converted to a single-family dwelling. Staff said that this would be against the law however.

Chuck Johnston stated that parties and entertainment were limited by the site plan to fifty people. Chairman Staelin requested staff to review entertainment restrictions. He requested staff to review the number of dwelling unit rights left for the property and any restrictions necessary for future conversion from commercial to residential.

Supervisor Dunning moved to set the matter for public hearing on February 17, 2004, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing TA-03-06

The Berryville Area Development Authority recommends the amendment of the Clarke County Zoning Ordinance:

- a. District Regulations, Sections: 3-A-4 Open Space Residential (OSR), 3-A-5 Detached Residential - 1 (DR-1), 3-A-6 Detached Residential - 2 (DR-2), 3-A-7 Detached Residential - 4 (DR-4), and*
- b. Site Plan Improvements and Minimum Standards, Section 6-H,*
so as to establish building setbacks from environmental features in residential zoning districts in the Berryville annexation area, and establish performance standards for land development activities that encompass karst features. (TA-03-06)

Chuck Johnston appeared before the Board to provide an overview of the requested text amendment.

Supervisor Byrd moved to set the matter for public hearing on February 17, 2004, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Set Public Hearing TA-04-02

The Clarke County Board of Supervisors will consider the amendment of the County Erosion and Sediment Control Ordinance, Section § 148-4. Definitions so as to add drilling of water wells to the list of items requiring a land disturbance permit. TA-04-02 (AT)

Chuck Johnston appeared before the Board to provide an overview of the requested text amendment. Mr. Johnston explained that there was already a fee in place and an increase was being requested.

Supervisor Byrd moved to set the matter for public hearing on February 17, 2004, at 10:00 a.m. or as soon thereafter as the matter may be heard.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Discussion of Joint Resolution on School Construction

Chairman Staelin presented an overview of the financial model commissioned by the Joint Committee on School Construction from Morgan Keegan. He explained that the model allows the County to change inputs and view the impact of those changes on the tax rates. Mr. Staelin put forth that Mosely Architects was commissioned to perform space studies for both the schools and general government office space.

John Staelin reviewed the sheet showing debt per capita and debt to assessed value. He provided examples of the impact of changing the amount from \$25MM to \$33MM. This changed the County's borrowing capacity at the end of ten years from \$13MM to only \$5MM, which would not be enough to cover school construction needs at that time.

He explained there were assumptions made and one of those assumptions is that real estate revenue would increase 3.5%, which includes renovations, new structures and new businesses. It also assumes a 20% reappraisal, which is factored into the tax rate. Other assumptions were that other revenue would increase by 6% and spending caps were set at 5%.

Mr. Staelin provided several examples of changes in these figures and their impact on the tax rate. Using \$25MM borrowed and the assumptions above, he provided these examples: Change spending cap from 5% to 6% and changes tax increase from 26% to 38% in 2008. Change spending from 5% to 7% and changes tax increase from 26% to 52%. Change revenue from 6% to 5% and leave spending at 5% and changes the tax increase from 26% to 34%. Using the historical 9-year average of 7.3% spending and changes the tax increase from 26% to 55%.

Mr. Staelin also provided examples using a \$20MM figure with revenue at 6% and spending at 5% it would equal a tax increase of 22%. If spending were increased to 5.25% in this scenario, it would change the tax increase to 26%. Using the historic average of 7.3% spending at the \$20MM level would result in a 52% tax increase.

Supervisor Byrd put forth that for every million the tax rate goes up approximately .8%. She stated that 18% to 19% of the 25% tax increase is going to the school construction. Chairman Staelin stated that 60% to 70% of the County's budget goes to the schools. He assured the Board that the "rainy day" fund would not be used to fund construction. Supervisor Byrd reminded the Board that \$1MM has already been set aside for school construction and \$50,000 of that has been spent to date. Mr. Staelin noted that the model called for the remainder to be used to pay part of the initial debt and principal payments.

Supervisor Dunning stated that all County agencies would have to keep spending in line stating that they could not come back and ask for additional money from the Board. Mr. Dunning raised the question of increased cost of VRS, which will create a flat first year for spending increases. Chairman Staelin stated that VRS was going up and a worst-case scenario for the County was \$500,000.

Supervisor Byrd agreed with Mr. Dunning and raised the issue of the impact of a 5% spending cap on salary increases. She questioned the County's ability to provide raises to employees to keep salaries competitive or cost of living increases. She queried the Board as to whether it was reasonable to think they could keep employees for four years without giving them raises. She opined that this could result in the loss of personnel. Vice Chairman Hobert stated that the spending caps could change. If revenues were down, spending would have to decrease; or if revenues rose, then spending could rise accordingly. Mrs. Byrd stated that the 5% spending cap is not supported by history, which she sees as a flaw in the basic assumptions.

Supervisor Byrd put forth concerns regarding the 5% spending cap imposed by the resolution including the following: Parks and Recreation and possible increase in fees or reduction in services; additional personnel for the Sheriff's Department; and additional personnel in Emergency Medical Services. Chairman Staelin stated that the Joint Committee on School Construction had made reasonable assumptions; and while they tried to factor in the needs of all the areas, the actual impact was unknown. Vice Chairman Hobert stated that department budgets would be determined by need with some departments receiving more than the 5% and others less.

Supervisor Weiss stated that this sort of review of this information was why he had requested the delay at the January 14, 2004 public meeting. He explained that all the County agencies, as well as the citizens must be made aware of the impact just a small change could have on the tax rate. He stated departments cannot assume they will receive the entire 5%

Chairman Staelin stated that the School Board is charged with providing a reasonable plan to resolve school capacity issues. They must meet the budget, they must meet the capacity goals, they must use quality materials, etc. If they should opt to use condemned land, the courts would be involved at an unknown cost.

Chairman Staelin solicited input from department heads present at the meeting.

Angie Jones, Social Services: Mrs. Jones stated that the schools do need a building. She requested that it be recognized that they could lose employees if raises are not given. She also noted the increased costs of VRS and health insurance. She opined that the County must at least stay competitive in salaries to the City of Winchester and Frederick County. She stated that employee turn over is also an added expense to the County.

Chairman Staelin said that he recognized this and noted the County has worked diligently to get salary levels up to similar areas.

Lisa Cooke, Parks and Recreation: Ms. Cooke stated that they would try to keep spending flat. Currently, some of their programs are profitable and contribute to administrative costs. She opined that they could retain the current level of programs if they continued to pay for themselves.

Tony Roper, Sheriff's Department: Mr. Roper stated that the County must remain competitive in its salaries. He opined that recent salary increases had helped to retain employees. He said that over the past two years their budget has been cut dramatically. He stated that they would keep the force on the road at the same levels.

David Weiss stated that the County must prioritize. Supervisor Byrd noted that the key for each department is to stay within the budget they are given.

Discussion Of Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Sanitary Authority <i>Mr. Everly is a new appointee serving a four-year term filling the vacancy of Carl A. Pope.</i>	J. Reid Everly	12/31/07
Berryville Area Development Authority <i>Mr. Vinson is reappointed to serve a three-year term.</i>	Randall Vinson	3/31/07

Supervisor Dunning moved to accept in whole all the appointments as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye
- Supervisor Byrd
- Aye
- Supervisor Dunning
- Aye
- Supervisor Weiss
- Aye

Board members were requested to solicit citizens interested in serving on the Board of Zoning Appeals and the Board of Well and Septic Appeals.

No action was taken on other items before the Personnel Committee.

Board of Supervisors Committee Appointments for 2004

Chairman Staelin presented his appointments for 2004 with the following changes from 2003:

- Parks and Recreation Advisory - Vice Chairman Hobert replacing David Weiss
- School Board – David Weiss replacing Vice Chairman Hobert
- Sheriff's Department – A.R. Dunning, Jr. replacing David Weiss

Chairman Staelin moved to accept in whole all the appointments as presented.

The motion carried as follows:

- Chairman Staelin
- Aye
- Vice Chairman Hobert
- Aye

Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Board of Supervisors Work Session

The Work Session for January 2004 was not held. The Board used this time to conduct the Annual Organizational Meeting on January 12, 2004.

Finance

Violence/Sexual Abuse/Assault Prosecution Team

The Victim Witness program has received a grant of \$27,323 from the Department of Criminal Justice Services. Most of the grant (\$19,000) will be used to employ the existing Assistant Commonwealth's Attorney (Peter Hetzel) for additional hours in order to prosecute certain offenses. The salary of the Victim Witness Coordinator and Secretary would also be supplemented with the grant funds. There will be an in-kind match of \$9,108. No additional local funds are required. This is not a competitive grant, it is anticipated that funding will continue in the future. The Finance Committee recommends adoption of the following resolution.

"Be it resolved that the FY 04 Victim Witness Budget be amended to increase expenditures by \$4,000, and that the FY 04 Commonwealth's Attorney Budget be amended to increase expenditures by \$23,323, and that the same be appropriated, and be it further resolved that additional revenue from the Commonwealth be recognized in the amount of \$27,323."

Health Department

The salary of one of Clarke County's Environmental Health Sanitarians is not competitive. It is estimated that increasing the transfer to the department by \$5,000 annually, subject to a written agreement with the Health Department, would allow it correct this problem. For the remaining six months of the current fiscal year the supplemental amount would be approximately \$2,500. The Finance Committee recommends adoption of the following resolution.

"Be it resolved that the Local Health Department Budget be amended to increase expenditures \$2,500, and that the same be appropriated."

Contingency Appropriations

There are several minor adjustments to be made to health insurance and worker's compensation line items throughout the general fund. It is recommended that these be covered with a transfer of \$6000 from the personnel contingency, leaving a balance of \$4,000 in that account. The Finance Committee recommends adoption of the resolution.

Supervisor Dunning moved to adopt the resolutions for the Violence/Sexual Abuse/Assault Prosecution Team, Health Department and the Contingency Appropriations.

The motion carried as follows:

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

Fee Adjustments

Fee changes are proposed for Animal Control, Building Permits, and Planning & Zoning. The Finance Committee has requested additional information on the proposed increases prior to recommending action.

Lions Club request to designate property owned and operated by the Lions Club as tax exempt

The Lions Club is requesting that a 120-acre parcel of property located off Howellsville Road be exempted from taxes as it is owned and operated by a 501(c)(3) organization. A presentation to the Board has been offered. The Finance Committee requested additional information regarding the number and nature of exempt properties in the County and additional information regarding the process.

Budget Calendar

The Committee recommends moving the school budget presentation to March 8, as requested by the schools. Additional changes to the 2004 Budget Calendar are as follows: February 20 from Finance Committee to Board of Supervisors Work Session; March 2 and March 9 from Board of Supervisors Work Session to Finance Committee. Tom Judge will revise the calendar and distribute.

Request to support Retirement Ceremony for Judge Germelman

The Board of Supervisors is asked to contribute towards the retirement function marking Judge Germelman's retirement in the amount of \$200. The Finance Committee recommends approval of the contribution contingent upon participation by the other localities.

Resolution Approving Debt

The Regional Airport Authority requests the Board of Supervisors adopt a resolution authorizing the Authority to contract debt in excess of \$500,000 to construct additional facilities and to refinance existing debt of the Authority. The Finance Committee will ask the Clarke County representative to meet with the Board prior to making a recommendation on this matter.

RESOLUTION OF THE CLARKE COUNTY BOARD OF SUPERVISORS APPROVING THE ISSUANCE OF DEBT BY THE WINCHESTER REGIONAL AIRPORT AUTHORITY AND RELATED MATTERS

WHEREAS, the Board of Directors (the "Board") of the Winchester Regional Airport Authority (the "Authority") has authorized the submission of an application to the Virginia Resources Authority ("VRA"), as the Administrator of the Virginia Airports Revolving Fund to participate in the 2004 Authority in an amount not to exceed \$1,850,000 (the "Bonds") for the financing of the construction of a 16-unit hangar building, the expansion of an existing hangar and various other capital improvements to the Winchester Regional Airport, and to refinance the outstanding principal balance of tax exempt bonds issued by the Authority in 1990 and 1996 together with related expenses and costs of issuance (the "Project").

WHEREAS, in accordance with section 7.17.b of the Winchester Regional Airport Authority Act 1987 Session, Virginia Acts of Assembly, Chapter 687 in accordance with Chapter 3, Title 5.1, et. Seq., Code of Virginia of 1950, as amended (The "Act") the consent of each of the participating political subdivisions is required for any issuance of debt by the Authority if the total debt shall exceed \$500,000, and the participating political subdivisions consist of the City of Winchester, and the Counties of Shenandoah, Frederick, Clarke and Warren (collectively, the "Member Jurisdictions"); such consent is being requested prior to the issuance of the Bonds by the Authority.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Supervisors of Clarke County hereby consents to the issuance of the Bonds by the Authority for the purpose of financing the Project.

2. Under no circumstances shall the payment of debt service on the Bonds constitute a general obligation indebtedness or a pledge of the full faith and credit or taxing power of any of the Member Jurisdictions.

3. This resolution shall take effect immediately.

Adopted by a majority vote of the Clarke County Board of Supervisors on January 20, 2004

David L. Ash
Clerk, Board of Supervisors
County of Clarke, Virginia

Bills And Claims

- A.R. Dunning, Jr., Supervisor

Supervisor Dunning reviewed the general government bills and claims for the Board of Supervisors for the month of December. He also reviewed the October and November bills and claims for schools. Mr. Dunning stated that he had questions on several items that would require additional review with Tom Judge.

No motion was made.

Project Update

- David L. Ash, County Administrator

David Ash appeared before the Board to review the Project Updates, which were distributed as part of the Board of Supervisors agenda packet. There were no questions or issues raised by the Board regarding the status to date.

Follow-up Double Tollgate

The RFQ has not been prepared at this time and is slated for completion by the February 2004 Board meeting.

Report – Economic Development

- John W. Sours, Jr., Director Economic Development

Due to time constraints, John Sours did not appear before the Board of Supervisors; however, he did provide the monthly report, which was distributed as part of the Board of Supervisors agenda packet. Supervisor Byrd complimented Mr. Sours on the quality of his reports.

Miscellaneous Items

Audit Review

Tom Judge, Director of Joint Administrative Services, introduced Robert Huff, auditor for Robinson, Farmer, Cox. Mr. Huff provided a written report for the Board. He stated that the County had done well in completing the GASB 34. He said that the total debt had decreased by \$900,000 by paying off debt. He noted that the \$11.9MM in net assets was not synonymous with fund balance. He noted that the fund balance is higher than shown in Tom Judge's regular report due to \$211,000 in sales tax accrual, which will be included

in the future by Mr. Judge. Mr. Judge stated that on the Fund Balance they net out 911, which is not reflected in this report. In conclusion, there were no problems found in the compliance test of items. Mr. Huff stated that he would be providing copies of the audit report to Social Services and the School Board.

Chairman Staelin stated the Finance Committee would review the report further.

Legislative Update

Chairman Staelin informed the Board that Joe May has sponsored impact fees on the floor of the General Assembly. There are currently three tax plans on the floor and Chichester's appears to be the best but will require a closer look. Photo enforcement is also up for legislative action. The Supervisors expressed their support of photo enforcement; however, Supervisors Weiss and Dunning, stated there were indifferent.

Emergency Services Statistics

Vice Chairman Hobert requested the previous years figures.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Contact Soil Scientists regarding text amendment change to Well & Septic Ordinance.	Alison Teetor
2.	Review of Robinson, Farmer, Cox report.	Finance Committee
3.	Provide VDOT a copy of signed resolution.	David Ash
4.	Provide appointment letters to boards and commissions.	David Ash
5.	Advertise public meetings.	David Ash
6.	Solicit Emergency Services statistics for 2003/2004.	David Ash
7.	Revise Budget Calendar.	Tom Judge

Next Meeting:

The regular meeting of the Board of Supervisors was continued until 7:30 p.m., January 20, 2004, to reconvene at John Ender's Social Hall, 9 South Buckmarsh Street, Berryville, VA 22611 to discuss the Joint Resolution on School Construction.

The next regularly scheduled meeting of the Board of Supervisors is set for February 17, 2004 at 9:00 a.m. in the Board of Supervisors Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia.

There being no further business to be brought before the Board, the Chairman adjourned the meeting at 3:09 pm.

ATTEST: January 20, 2004

John Staelin, Chairman

David L. Ash, County Administrator